b.) Remarks

Claim 48 has been amended in order to recite the present invention with the specificity required by statute. No new matter has been added.

Claims 54 and 59-61 stand rejected under 35 U.S.C. §112 as indefinite for failing to particularly point out and distinctly claim the subject matter of the present invention. The Examiner's bases for the rejection are set forth at points 3-5 at page 4 of the Office Action. In response, as to claim 54, there is no need for antecedent basis for "assembly" since the claim recites "an" assembly, not "the" assembly. Also, as to the issue of claim 54 depending from a composition claim and not an article claim, such is true but not dispositive. In this regard, MPEP §608.01(n) states

> [t]he test as to whether a claim is a proper dependent claim is that it shall include every limitation of the claim from which it depends (**35 U.S.C. §112**, fourth paragraph) or in other words that it shall not conceivably be infringed by anything which would not also infringe the basic claim.
>
> A dependent claim does not lack compliance with **35 U.S.C. §112**, fourth paragraph, simply because there is a question as to (1) the significance of the further limitation added by the dependent claim, or (2) whether the further limitation in fact changes the scope of the dependent claim from that of the claim from which it depends. The test for a proper dependent claim under the fourth paragraph of **35 U.S.C. §112** is whether the dependent claim includes every limitation of the claim from which it depends.

As such, claim 54 is a proper dependent claim.

As to claims 59-61 where the term "composition" is said to be without antecedent basis, such term is found in line one of antecedent claims 51 (claim 59), 48 (claim 60) and 51 (claim 61).

Claim 48 stands rejected under 35 U.S.C. §112 as failing to be supported by an enabling disclosure for the reasons set forth in point 7 at page 5 of the Office Action. In response, Applicants respectfully wish to point out for the record that this rejection is without basis either in law or in fact. First, it is very well-settled that utilizing functional language is perfectly acceptable (In re Swinehart, 169 USPQ 226 (CCPA1971)), even at the point of novelty (Ex parte Roggenburk,172 USPQ 82 (Bd. Pat. App. Int. 1970)). Second, determining adhesion values is simply routine and can be accomplished by a laboratory technician. Such does not, in fact, even require supervision by a skilled artisan, let alone their participation. Accordingly, undue experimentation by those of ordinary skill is not required to practice this claim.

Nonetheless, in order to reduce the issues, Applicants have amended claim 48 to recite additional features (see previous claim 58). Applicants have also amended claim 48 to delete the post pressure cooker valve and thereby, reduce by half the amount of evaluation required of the lab tech. Accordingly, this rejection is plainly mooted.

The last issue remaining then is the rejection of claim 51 for obviousness-type double patenting over claims 7 and 11 of U.S. Patent No. 6,034,194, and over claim 4 of co-pending application No. 09/580,026. In response to the rejection over the '194 patent, Applicants enclose herewith a Terminal Disclaimer, along with a check in the amount of $110.00 to cover the Statutory Disclaimer fee (37 C.F.R. §1.20(d). Any deficiencies may be charged to Deposit Account No. 06-1205. As to the rejection over the co-pending '026 application, Applicants are cancelling claim 4 of that application.

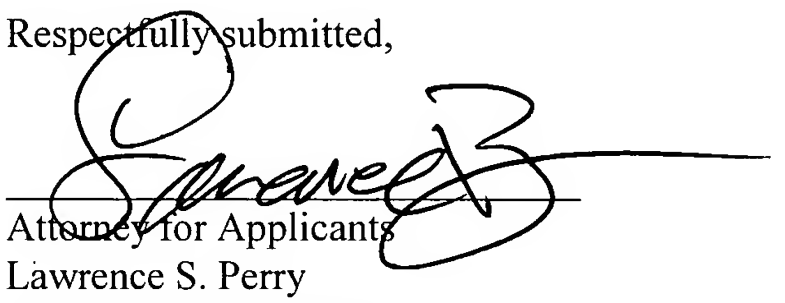
In view of the above amendments and remarks, Applicants submit that all of

the Examiner's concerns are now overcome and the claims are now in allowable condition. Accordingly, reconsideration and allowance of this application is earnestly solicited.

Claims 48, 50, 51, 54-57 and 59-61 remain presented for continued prosecution.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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